

From: [Bill White](#)
To: [Dierker, Carl](#)
Cc: [Chet Myers](#); [Jay Borkland](#); [Eric Hines \(ehines@lemessurier.com\)](#); [Catri, Cindy](#); [Williams, Ann](#); [Marsh, Michael](#); [LeClair, Jacqueline](#); [Stanley, Elaine](#); [Tisa, Kimberly](#); [Colarusso, Phil](#); [Alicia Barton](#); [Gregory Dolan](#); [Christopher Morris](#); [Christen Anton](#); [John McAllister](#)
Subject: Re: Upcoming Meeting on Revised Blasting Plan
Date: Thursday, August 22, 2013 4:23:20 PM

Carl,

Thanks for the comprehensive note, which is very helpful. The list will provide a good guide/agenda for our meeting on Tuesday and we will come prepared to address each item.

Per your request, we can meet on Tuesday at 10 AM.

Thanks,

Bill

Sent from my Verizon Wireless 4G LTE DROID

"Dierker, Carl" <Dierker.Carl@epa.gov> wrote:

We appreciated your call on Tuesday to let us know about recent developments and new information you received on the increased extent of bedrock and its impact on blasting at South Terminal; we look forward to meeting with you to learn more details about these developments. While we discussed meeting next Tuesday afternoon, 8/27, I'm wondering if we could move that to Tuesday morning, any time between 9 and 12, as our wetlands staff has to be at a meeting at the ACOE that afternoon. If that works for you, we'd be able to have more of the appropriate EPA staff available to attend.

In an effort to make this meeting as productive as possible, below is a list of the type of information EPA would need in order to evaluate this latest modification to the current blasting proposal. We recognize that timing is critical so we urge the Commonwealth to forward any information you have as soon as possible so that EPA can begin our evaluation (and identify any information gaps) sooner rather than later.

EPA is also aware of newly developing issues concerning the upland remediation and the potential for a change in the scope of the cleanup represented in EPA's Final Determination. Chet Myers and Kim Tisa have been communicating about this issue, so we have included below the type of information Kim has described to Chet that EPA will need for that evaluation as well. You should be aware that it appears that EPA will need to revise the TSCA Determinations that were issued with the Final Determination to reflect changes to the upland remediation work as well as for the proposed changes to the blasting work.

Finally, while we have been working on the modified Final Determination to incorporate all changes to the project since the original determination, we will not be able to incorporate any

modifications to approve the blasting plan until we receive sufficient documentation to evaluate the proposed modified and expanded blasting request as well as the upland remediation. Also as a reminder, the modified determination will need to be translated, a notice of availability published in the newspaper and an administrative record be made available to the public.

Following are issues which we identified as needing a detailed description and/or documentation to evaluate the expanded blasting proposal:

- a. Data results of recent bedrock characterization and a plan showing the additional bedrock found and an estimated volume and areal increase;
- b. Any increase in charge size, along with the rationale for such increase (if so, this will likely trigger the need for further consultation with NMFS on ESA and EFH resources since the original consultations were based on a maximum 50 pound charge);
- c. The proposed timing and location of any expanded blasting. Will it be required in more than 3 areas? Is the Commonwealth asking for continuous blasting beginning in mid-September, or is past agreement of blasting in one area in September followed by EPA evaluation to determine if more blasting can occur before November 15 still the path forward? Is the proposed expanded blasting anticipated to go beyond the allowed time window (i.e. past January 15)? If so, that will run into the time of year restrictions for winter flounder, and, depending on the duration, spring migration of sturgeon and other anadromous fish. Any of these changes may also require additional EFH and ESA consultation with NMFS;
- d. Any change to the delay time of 25 milli-seconds;
- e. Will pre-split blasting be included? If so, a description of the pre-split blasting protocol;
- f. Approval from the U.S. Army Corps of Engineers Levee Safety Program addressing impacts of any proposed expanded blasting (and pre-split blasting, if included) on the hurricane barrier;
- g. A written evaluation of the impacts to aquatic resources potentially caused by any proposed expanded blasting (and pre-split blasting) and associated mitigation measures and a demonstration that the modified blasting program will result in no adverse impacts to aquatic resources;
- h. An updated JASCO model evaluating pressure and impulse impacts resulting from the proposed expanded blasting program;
- i. A written description of any additional impacts to the local community and how these communities will be protected. Also, a description of the Commonwealth's plan for informing the public of the proposed expanded blasting;
- j. A written description of how the proposed expanded blasting and pre-split blasting complies with state ARARs, including proximity to and any impacts on the paleosol areas and whether or not the Commonwealth will provide this information to the tribes for tribal consultation; and
- k. An updated construction schedule.

For any proposed revision to the upland remediation work:

- a. A written request for and description of the proposed revised upland work, including any remediation that would allow material containing PCB concentrations >25 ppm to stay onsite as well as a description of the additional volume, including extent of soil removal, disposal, etc. and scope of further characterization;
- b. A written description of how the revised remediation complies with state ARARs as well as identification and compliance with any new ARARs; and
- c. A schedule for when this work will occur.

Thanks,

Carl

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